REMARKS

This amendment is submitted in response to the final Office Action mailed on December 28, 2004. Claims 1-5, 7-11 and 13-34 are pending in this application. In the Office Action, Claim 17 is objected to, Claims 7-11, 18, 28-29 and 34-35 are rejected under 35 U.S.C. §102 and Claims 1-5, 13-17, 19-20, 25 and 31-32 are rejected under 35 U.S.C. §103 and Claims 1-5, 7-11 and 13-20 are provisionally rejected under obviousness-type double patenting. In response Claims 1, 7, 13, 18 and 20 have been amended and Claim 17 has been canceled. This amendment does not add new matter. In view of the amendments and/or for the response set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Claim 17 has been canceled to correct the informalities addressed by the Office Action.

In the Office Action, Claims 7-11, 18, 28-29 and 34-35 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,743,460 to Gellman et al. ("*Gellman*"). In the Office Action, Claims 1-5, 13-17, 19-20, 25 and 31-32 are rejected under 35 U.S.C. §103 as being unpatentable over *Gellman*. Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have amended independent Claims 1, 7, 13, 18 and 20 to include a dried pet food comprising a matrix comprising a humectant, a protein source, a carbohydrate source, insoluble fiber, and an agent selected from the group consisting of abrasive agents, dental care agents and combinations thereof. The amendments as discussed above are supported in the specification, for example, at paragraph 37. Contrary to the present claims, *Gellman* fails to disclose any dried pet food having abrasive agents or dental care agents. In fact, *Gellman* is entirely directed toward a dry soft dog biscuit having visually apparent, discrete particles. Applicants invention is directed toward a dried pet food which is able to mechanically clean the teeth of pets when chewed. As a result, Applicants respectfully submit that the *Gellman* not only fails to disclose the present claims, it fails to teach or suggest same.

Accordingly, Applicants respectfully request that the rejection of Claims 1-5, 7-11, 13-20, 25, 28-29, 31-32 and 34-35 under 35 U.S.C. §102(b) and §103 be withdrawn.

Claims 22-23 are rejected under 35 U.S.C. §103 as being unpatentable over *Gellman* in view of U.S. Patent No. 5,887,749 to Schommer et al. ("*Schommer*"). Claims 21, 24, 27, 30 and

33 are rejected under 35 U.S.C. §103 as being unpatentable over *Gellman* in view of U.S. Patent No. 6,455,083 to Wang et al. ("*Wang*"). Applicants respectfully submit that the patentability of Claims 1, 7, 13, 18 and 20 renders moot the obviousness rejections of Claims 21-24, 27, 30 and 33. In this regard, the cited art fails to teach or suggest the elements of Claims 21-24, 27, 30 in combination with the novel elements of Claims 1, 7, 13, 18 and 20.

Claims 1-5, 7-11 and 13-20 have also been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-24 of co-pending Application 09/154,646, Claims 1-32 of co-pending Application 10/052,949 and Claims 1-33 of co-pending Application 10/037,941. Applicants respectfully submit that the current amendments to independent Claims 1, 7, 13, 18 and 20 disclose novel subject matter with respect to U.S. Patent Application Numbers 09/154,646, 10/052,949 and 10/037,941.

Accordingly, Applicants respectfully request that the provisional rejection of Claims 1-5, 7-11 and 13-20 under obviousness-type double patenting be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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